

REMARKS

The present Amendment and Response is submitted in reply to the Office Action dated September 19, 2007 ("the Office Action").

Status of Claims

Claims 1-7, 11, 16-19, 21, 22, and 38 are amended and claims 1-46 remain pending in the application.

Support for Claim Amendments

Support for the amendment to claims 1, 21, 22, and 38 is found in paragraph [0002] of the published application.

Claim Rejections Under § 103

Claims 1-46 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 7,168,221 ("Hunter" or "the '221 Patent") and "admitted prior art" relating to fenestration units installed in "composite panels."

Claim 1 as amended relates, in part, to creating a rough opening in a composite wall panel having an insulating core positioned between at least two rigid outer layers, the rough opening having a perimeter larger than an outer perimeter of a frame of the fenestration unit; positioning the fenestration unit inside the rough opening; and delivering a foam material into at least a portion of a space between the perimeter of the frame of the fenestration unit and the perimeter of the rough opening of the composite wall panel, the foam material fixedly adhering the fenestration unit to at least the insulating core of the composite wall panel." As described below, Hunter does not teach, suggest, or otherwise disclose composite wall panels having an insulating core positioned between two rigid outer layers with foam material fixedly adhering a fenestration unit to at least the insulating core of the composite wall panel.

Hunter is directed to a seamless roofing system that uses rigid, polyurethane foam boards 5 including polyurethane foam panels 10. The polyurethane foam panels 10 each have a footprint that is about four feet by eight feet and a thickness of about one and five-eighths inches. *See, e.g.*, Hunter at col. 3, ll. 41-55 and col. 4, ll. 9-16. In the assembly of Hunter, low rise foam polyurethane adhesive 17 is coated over a roof surface and contacts and adheres to the entire back surface of polyurethane foam panel 10, seeping through the cracks between adjacent panels 10. Hunter mentions that “after adhesive 17 cures, a very secure bond between panels 5 results.” *Id.* at col. 4, ll. 16-17. The roof is then finished by applying an elastomeric coating over the entire top surface of the panels 5, “creating a monolithic structure.” *Id.* at col. 4, ll. 42-44.

From the above, it can be clarified that one of ordinary skill in the art would not be led by Hunter to a composite wall panel having an insulating core positioned between two rigid outer layers with foam material fixedly adhering a fenestration unit to at least the insulating core of the composite wall panel. In particular, the application of Hunter is too disparate from securing fenestration units in a composite wall panel according to the limitations of claim 1. For example, the relatively large, flat footprints (over 4,500 square inches for a full panel) of the panels 10 that interact with the foam adhesive of Hunter; the fact that at least some, if not all, of the weight of the panels 5 is actually supported by the roof decks 16, 116; as well as the use of the elastomeric overcoating to form a monolithic structure, would provide insufficient guidance to someone seeking to secure a fenestration unit in a composite panel wall, such that there would not be a reasonable expectation of success in achieving the proffered modification of Hunter. In other words, the objectives addressed by Hunter, such as a seamless, fire-resistant roofing system that is sturdy, e.g., supports foot traffic (*see id.* at col. 1, ll. 65-67 and col. 2, ll. 21-24), and the disclosed structures for accomplishing those objectives, would not give someone of ordinary skill a reason to modify Hunter according to the limitations of claim 1.

Indeed, all of the independent claims recite a fenestration unit or a method of installing a fenestration unit. As found in paragraph [0021] of the published application,

“fenestration unit” refers to windows, doors, skylights, shutters, and components thereof, such as window jambs, sills, heads, sash stiles, sash rails, door thresholds, and the like.

Residential windows are typically attached to structures with fasteners, such as screws or nails. Hence, the prior art teaches cutting holes in composite wall panels and building wood frames around the perimeter of the holes. The fenestration units are then located in the framed opening, shimmed and nailed or screwed to the wood frame.

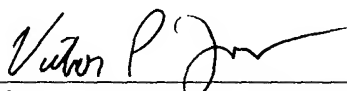
The claimed embodiments are directed to a method and apparatus for installing fenestration units into composite panels without the need for the costly and time consuming wood frame. The windows are attached to the exposed foam in the composite wall panel with an intermediate foam material. Centuries of window technology teach away from the claimed embodiments. *See, e.g.,* Background of the Instant Application.

Independent claims 21, 22, and 38 are distinguishable from the cited reference for at least reasons similar to those described in association with claim 1. Furthermore, the remaining claims depend, in some form, from independent claims 1, 21, 22, or 38 and, for at least such reason, are also believed patentable over the cited reference.

In sum, all grounds for rejection have been addressed with withdrawal of the rejections, allowance of the claims, and notice to that effect respectfully requested. The Examiner is invited to contact the undersigned at the number below to expedite prosecution of this application.

Respectfully submitted,

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